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ANGELA D. LIPSMAN (NY; NJ)

September 7, 2022

Hon. Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: United States v. Franzone
21 CR 446 (VSB)

Dear Judge Broderick,

On behalf of Defendant Andrew Franzone ("Franzone"), I write to request an adjournment of the oral argument scheduled for this afternoon at 3:00 p.m.

Last night, the Court emailed the parties the Order filed on the docket today, ECF # 44, directing the parties to be prepared to address the questions contained therein at oral argument.

An adjournment will allow counsel time to be better prepared to address the Court's questions for the defense.

We had asked the Government if they wanted to make this a joint request for an adjournment, but the U.S. Attorney's Office declined.

It is my understanding that the Court begins a trial on Tuesday, September 13, 2022. The defense is available on the afternoon of Monday, September 12, 2022.¹

The defendant acknowledges that if this request is granted, time between now and Monday, September 12, 2022 would be excludable under the Speedy Trial Act.

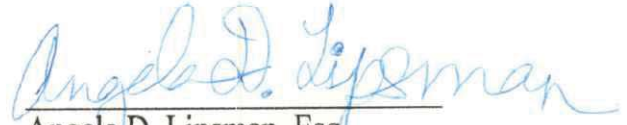
Wherefore, I respectfully request an adjournment of today's oral argument from this afternoon to the afternoon of Monday, September 12, 2022.

¹ Counsel had told Court personnel this morning that we would be available beginning at 2:30 p.m. on Monday. However, defense counsel is available even earlier in the afternoon. We had neglected to take into account that the 1:30 p.m. written in our calendar was meant to be Pacific Time, which translates to 4:30 p.m. Eastern Standard Time.

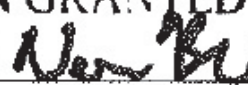
RUBINSTEIN & COROZZO, LLP

Thank you for your consideration.

Respectfully submitted,


Angela D. Lipsman, Esq.

cc: AUSAs Alexander Rossmiller and Kiersten Fletcher (via ECF)

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 09/07/2022

The oral argument scheduled for September 7, 2022 is hereby adjourned to September 12, 2022 at 11:00 a.m. The adjournment is necessary to allow defense counsel time to prepare to address the Court's questions at oral argument. The Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, it is further ordered that the time between September 7, 2022 and September 12, 2022 is hereby excluded under the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(A), in the interest of justice.